

TORKILDSON, KATZ,
HETHERINGTON, HARRIS
& KNOREK
Attorneys at Law, A Law Corporation

J. GEORGE HETHERINGTON 2241-0
BRIAN W. TILKER 9684-0
JACOB A. KAMSTRA 11133-0
700 Bishop Street, 15th Floor
Honolulu, HI 96813-4187
Telephone: (808) 523-6000
Facsimile: (808) 523-6001
Email: jgh@torkildson.com
bwt@torkildson.com
jak@torkildson.com

Attorneys for Plaintiff
HAWAII IRON WORKERS TRUST FUNDS

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

HAWAII IRON WORKERS HEALTH
AND WELFARE TRUST FUND, by its
trustees, Clyde Eugenio, Shon T.G.P.
Moea'i, Lincoln P. Naiwi, Jr., Joseph V.
O'Donnell, Melvin Kahele, Bronson
Paris, Edson Hoo, Todd Kawika Chun,
Branden Chun, Douglas F. Ewart, Steven
Togami, Henry Takahashi; HAWAII
IRON WORKERS ANNUITY TRUST
FUND, by its trustees, Thomas G. Paris,
Lincoln Naiwi, Sr., Joseph V. O'Donnell,
Arnold Wong, Marmion Kaopua, Douglas
F. Ewart, Branden Chun, Gaylord Lovell,
Steven Togami, Todd Kawika Chun;
HAWAII IRON WORKERS
STABILIZATION FUND, by its trustees,
Lincoln Naiwi, Sr., Joseph V. O'Donnell,

CIVIL NO. CV 20-00410 JMS-RT

DECLARATION OF BRIAN W.
TILKER IN SUPPORT OF AWARD
OF ATTORNEYS' FEES AND
COSTS; EXHIBITS "A" – "E";
CERTIFICATE OF SERVICE

(Caption Continues)

Edson Hoo, John Watanabe; HAWAII
IRON WORKERS PENSION TRUST
Fund, by its trustees, Thomas G. Paris,
Glenn D. Eugenio, Melvin Kahele, Shon
T.G.P. Moea'i, Joseph O'Donnell,
Bronson Paris, Todd Kawika Chun,
Branden Chun, Dennis Enomoto, Douglas
F. Ewart, Edson Hoo, Steve Dennison;
HAWAII IRON WORKERS TRAINING
TRUST FUND, by its trustees, Clyde
Eugenio, Shon T.G.P. Moea'i, Lincoln P.
Naiwi, Jr., Joseph O'Donnell, Melvin
Kahele, Bronson Paris, Edson Hoo, Todd
Kawika Chun, Branden Chun, Douglas F.
Ewart, Steven Togami, Henry Takahashi;
HAWAII IRON WORKERS
VACATION & HOLIDAY TRUST
FUND, by its trustees, Clyde Eugenio,
Shon T.G.P. Moea'i, Lincoln P. Naiwi,
Jr., Joseph O'Donnell, Melvin Kahele,
Bronson Paris, Edson Hoo, Todd Kawika
Chun, Branden Chun, Douglas F. Ewart,
Steven Togami, Henry Takahashi;

Plaintiffs,

v.

D&C WELDING STRUCTURAL &
ORNAMENTAL, INC.; JOHN DOES 1-
10; JANE DOES 1-10; DOE
CORPORATIONS 1-10; DOE
PARTNERSHIPS 1-10; DOE
GOVERNMENT AGENCIES 1-10; DOE
TRUSTS 1-10,

Defendants.

**DECLARATION OF BRIAN W. TILKER IN SUPPORT
OF AWARD OF ATTORNEYS' FEES AND COSTS**

I, BRIAN W. TILKER declare as follows:

1. I am an attorney duly licensed to practice law before this Court, a Director of the law firm of Torkildson Katz Hetherington Harris & Knorek (“Torkildson Katz”), and counsel of record for Plaintiffs HAWAII IRON WORKERS HEALTH AND WELFARE TRUST FUNDS (“Plaintiffs”). All statements contained herein are based on my own personal knowledge, unless otherwise stated.
2. I make this Declaration in support of Plaintiffs’ request for fees and costs reasonably and necessarily incurred and associated with the judgment debtor examination (“Judgment Debtor Examination”) of Defendant D&C Welding Structural & Ornamental, Inc. (“Defendant”), in the United States District Court for the District of Hawaii, Case 1:20-cv-00410 JMS-RT (the “Action”).
3. The total amount of costs incurred in connection with the Judgment Debtor Examination is **\$426.18**. These costs are for service of this Court’s Order Granting Plaintiffs’ Ex Parte Motion for Examination of Authorized Representative of Judgment Debtor D&C Welding Structural & Ornamental [ECF No. 29], Order Continuing Judgment Debtor Exam [ECF No. 35], Second Order to Show Cause [ECF No. 36], and Entering Order dated November 16, 2021 [ECF No. 39].

4. The total amount of reasonable legal fees for work performed by Torkildson Katz to-date with respect to the Judgment Debtor Examination, whether billed or as-yet-unbilled, is **\$1,664.00**.

5. The following represents a breakdown of applicable billing rates, the hours worked with respect to the Judgment Debtor Examination, and certain legal fees incurred for work performed during the period of July 2021 through the submission of this Declaration, in connection with this Action, exclusive of GET:

INITIALS	TIMEKEEPER	RATE(S) (time period for respective rates described in attorney paragraphs below)	HOURS	LEGAL FEES
JGH	J. GEORGE HETHERINGTON	\$260.00	.5	\$130.00
BWT	BRIAN W. TILKER	\$260.00	1.5	\$390.00
JAK	JACOB A. KAMSTRA	\$260.00	4.4	\$1,144.00
TOTAL			6.4	\$1,664.00

6. Attached hereto as Exhibit “A” are true and correct copies of Torkildson Katz invoices and detailed transaction lists for services rendered in connection with the Action, during the period of July 2021 through January 3, 2022, which have been redacted to prevent disclosure of attorney-client privileged material and entries unrelated to the Judgment Debtor Examination.

7. Exhibit A consists of invoices relating to client matter numbers 54899.0016 (Exhibit A at 1-4) and 54899.0017 (Exhibit A at 7-10), in addition to detailed fee and costs transaction lists for the time period since October 31, 2021 (Exhibit A at 5-6). For billing purposes, certain fee and cost entries are separated on a percentage basis and apportioned separately between client matter number 54899.0016 and 54899.0017; however, all fees and costs evidenced by Exhibit A relate to this Action and more specifically, the Judgment Debtor Examination.

8. Upon information and belief, the hourly rates charged are reasonable and commensurate with the rates charged in Honolulu, Hawaii by attorneys with similar experience and expertise. A true and correct copy of a list of local law firms and their average billing rates as published by Pacific Business News in its 2014 Book of Lists is attached hereto as Exhibit "B."

9. It is my belief that the hourly rate charged by J. George Hetherington, referenced as "JGH" in Exhibit "A" and in paragraph 5 above, in connection with this matter is reasonable given Mr. Hetherington's qualifications and experience. Mr. Hetherington is a director of Torkildson Katz, and has approximately forty-three (43) years of legal experience. He is a member of the bar of the State of Hawaii and has been or is admitted to practice before the United States District Court for the District of Hawaii and the Ninth Circuit Court of Appeals. Mr. Hetherington's billing rate for this matter has been \$260.00 per hour. Attached as

Exhibit “C” is a copy of Mr. Hetherington’s biographical statement and qualifications.

10. It is my belief that my hourly rate charged in connection with this matter, referenced as “BWT” in Exhibit “A” and in paragraph 5 above, is reasonable given my qualifications and experience. I am a director of Torkildson Katz, and have approximately sixteen (16) years of legal experience. I am a member of the bars of the State of Hawaii and the State of New York, and have been or am currently admitted to practice before the United States District Court for the District of Hawaii, the United States Court of Appeals for the Ninth Circuit, the United States District Court for the Southern District of New York, the United States District Court for the Eastern District of New York, the United States Court of Appeals for the Second Circuit, and the Supreme Court of the United States. My standard billing rate for this matter has been \$260.00 per hour. Attached as Exhibit “D” is a copy of my biographical statement and qualifications.

11. It is my belief that the hourly rate charged by Jacob A. Kamstra, referenced as “JAK” in Exhibit “A” and in paragraph 5 above, in connection with this matter is reasonable given Mr. Kamstra’s qualifications and experience. Mr. Kamstra is an associate with Torkildson Katz, and has over two (2) years of legal experience. He is a member of the bar of the State of Hawaii and is admitted to practice before the United States District Court for the District of Hawaii. Mr.

Kamstra's billing rate for this matter has been \$260.00 per hour. Attached as Exhibit "E" is a copy of Mr. Kamstra's biographical statement and qualifications.

I declare under penalty of law that the foregoing statements are true and correct.

DATED: Honolulu, Hawaii, January 3, 2022.

/s/ Brian W. Tilker
BRIAN W. TILKER